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EXAMINER

SEVERSON, JEREMY R

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/580,211
Filing Date: May 23, 2006
Appellant(s): TSUCHIYAMA ET AL.

Luminita A. Todor
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9 June 2009 appealing from the Office action mailed 9 October 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,674,737

MURAYOSHI

6-1987

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

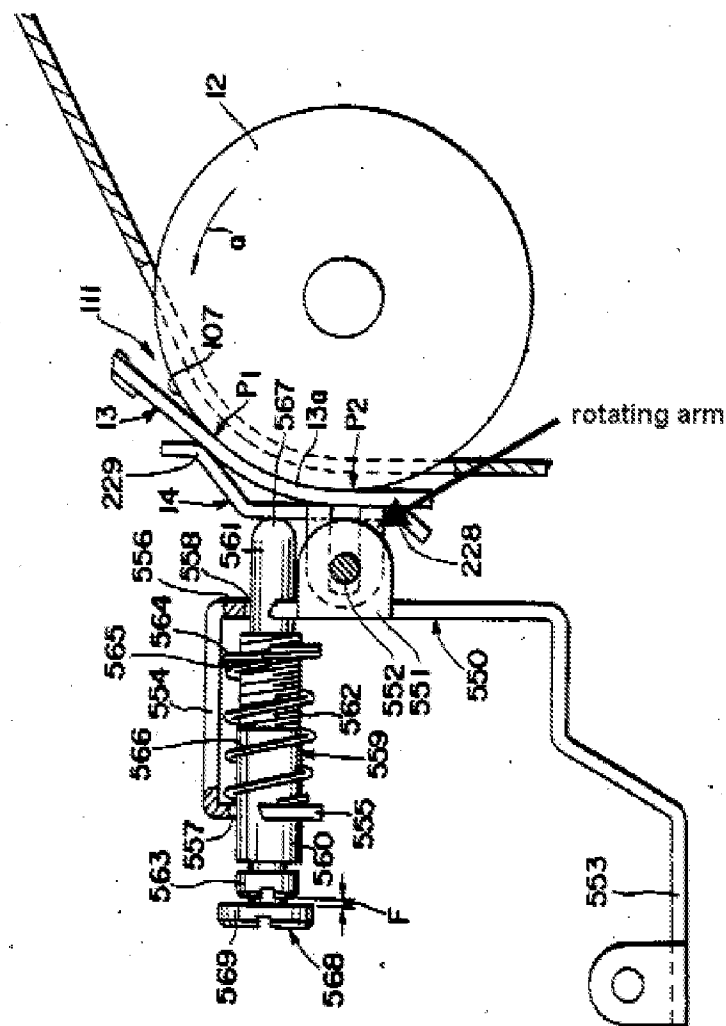
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Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Murayoshi (US 4,674,737).

Regarding claim 1, Murayoshi discloses an automatic paper feeder supplying paper to an apparatus, comprising: a separation pad 13, pressing the paper against a pick roller 12 so as to feed the paper one by one; and pad pressing means 14, applying pressure to the separation pad so as to press the separation pad against a surface of the pick roller, the pad pressing means having a reverse U-shape to press the separation pad against the surface of the pick roller at two portions, a front portion and a rear portion, along a rotating direction of the pick roller thereof, and the pad pressing means being configured to be rotatable back and forth with respect to the rotating direction of the pick roller about a fulcrum 552 where pressure is applied to the pad pressing means. See fig. 12 and col. 17, lines 63 et seq.

Regarding claim 2, Murayoshi discloses the automatic paper feeder according to claim 1, further comprising: a rotating arm arranged so that the entire pad pressing means is rotatable about a predetermined position.

FIG. 12



Regarding claim 3, Murayoshi discloses the automatic paper feeder according to claim 1 or 2, wherein the fulcrum where the pressure is applied to the pad pressing means is arranged such as to be movable back and forth depending on a type of the paper which is fed between the separation pad and the pick roller. The movement of bracket 550 causes movement of fulcrum 552. See col. 18, lines 3-7.

Regarding claim 4, Murayoshi discloses the automatic paper feeder according to claim 2, wherein the fulcrum 552 where the pressure is applied to the pad pressing

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means is arranged such as to be movable back and forth depending on a type of the paper which is fed between the separation pad and the pick roller. The movement of bracket 550 causes movement of fulcrum 552. See col. 18, lines 3-7.

Regarding claim 5, Murayoshi discloses the automatic paper feeder according to claim 1, wherein the fulcrum where the pressure is applied to the pad pressing means is arranged such as to be movable closer or farther to the pick roller depending on a thickness of the paper which is fed between the separation pad and the pick roller. The movement of bracket 550 causes movement of fulcrum 552. See col. 18, lines 3-7.

Regarding claim 6, Murayoshi discloses the automatic paper feeder according to claim 2, wherein the fulcrum where the pressure is applied to the pad pressing means is arranged such as to be movable closer or farther to the pick roller depending on a thickness of the paper which is fed between the separation pad and the pick roller. The movement of bracket 550 causes movement of fulcrum 552. See col. 18, lines 3-7.

Regarding claim 7, Murayoshi discloses the automatic paper feeder according to claim 1, further comprising a pressing unit 550 applying the pressure to the fulcrum of the pad pressing means.

Regarding claim 8, Murayoshi discloses a method of adjusting pad pressing means pressing on a pick roller of an automatic paper feeder depending on thickness of paper fed between the pad pressing means and the pick roller, the pad pressing means pressing the pick roller in at least two distinct portions, the method comprising: rotating the pad pressing means 14 about a fulcrum 552 where pressure is applied to the pad pressing means to adjust pressures on the at least two distinct portions (228, 229); and

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adjusting position of the fulcrum 552 closer or farther from the pick roller 12. See col. 17, line 63-col. 19, line 9.

(10) Response to Argument

1. Murayoshi anticipates "wherein the pad pressing means is configured to be rotatable back and forth with respect to the rotating direction of the pick roller about a fulcrum where pressure is applied to the pad pressing means" as recited in independent claim 1.

The Appellant argues that element 552 is not a fulcrum, and the pressing plate 14 is not configured to be rotatable around element 552. A "fulcrum" is "the support about which a lever turns" (See <http://www.merriam-webster.com/dictionary/fulcrum>). It is agreed upon that element 552 supports pressing plate 14. See Appeal Brief, p. 6, line 17. Contrary to the Appellant's assertion, pressing pad 14 is freely rotatable around element 552. First, fig. 12 shows the same bar 552 and slot structure as that shown in fig. 3. The description of fig. 3 explicitly indicates that the bar is loosely inserted in the slots. See col. 7, lines 36-45. There would be no reason to have such a similar slot structure in fig. 12 if element 552 were not freely movable within it. More importantly, if element 552 were not freely movable within the slot, the embodiment would not operate as described in Murayoshi because pressing rod 559 would not be able to adjust the pressing force at point P2, as described in col. 18, line 49-col. 19, line 2. Therefore, Murayoshi anticipates "wherein the pad pressing means is configured to be rotatable back and forth with respect to the rotating direction of the pick roller about a fulcrum where pressure is applied to the pad pressing means" as recited in independent claim 1.

Therefore, Murayoshi anticipates "the pad pressing means having a reverse U-shape to press the separation pad against the surface of the pick roller at two portions" as recited in claim 1.

3. Murayoshi anticipates "a rotating arm arranged so that the pad pressing means is rotatable about a predetermined position" as recited in claim 2.

The Appellant asserts that the examiner indicates that the bent portion 551 of the bracket 550 as corresponding to the recited rotating arm. Appeal Brief, p. 6. The examiner does not indicate that element as corresponding to the rotating arm; the examiner indicates the element, that is attached to pressing plate 14, that has a slot within which is element 552, as corresponding to the rotating arm. Said element is rotatable for the same reasons pressing plate 14 is rotatable, as argued above. Therefore, Murayoshi anticipates "a rotating arm arranged so that the pad pressing means is rotatable about a predetermined position" as recited in claim 2.

4. Murayoshi anticipates "the fulcrum where the pressure is applied to the pad pressing means is arranged such as to be movable back and forth depending on a type of the paper which is fed between the separation pad and the pick roller" as recited in claims 3 and 4.

The Appellant argues that Murayoshi does not anticipate claims 3 and 4 because element 552 is not a fulcrum and the pressure on the pressing plate 14 is not applied at element 552. Appeal Brief, p. 6. The examiner disagrees. First, as argued above, element 552 is a fulcrum. Second, there is pressure applied to the pressing plate at element 552. As explained above, element 552 supports pressing plate 14. That implies that element 552 is exerting a force on pressing plate 14. Finally, element 552 is movable back and forth as described at as described at col. 18, lines 3-7 of Murayoshi. Therefore, Murayoshi anticipates "the fulcrum where the pressure is applied to the pad

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pressing means is arranged such as to be movable back and forth depending on a type of the paper which is fed between the separation pad and the pick roller" as recited in claims 3 and 4.

5. Murayoshi anticipates "the fulcrum where the pressure is applied to the pad pressing means is arranged such as to be movable closer or farther to the pick roller depending on a thickness of the paper which is fed between the separation pad and the pick roller" as recited in claims 5 and 6.

Murayoshi anticipates "the fulcrum where the pressure is applied to the pad pressing means is arranged such as to be movable closer or farther to the pick roller depending on a thickness of the paper which is fed between the separation pad and the pick roller" for reasons described above.

6. Murayoshi anticipates "a pressing unit applying the pressure to the fulcrum of the pad pressing means" as recited in claim 7.

Element 550 applies pressure to the fulcrum 552 of the pad pressing means, because element 550 supports fulcrum 552. See Murayoshi, col. 18, lines 3-7.

7. Murayoshi anticipates "rotating the pad pressing means about a fulcrum where pressure is applied to the pad pressing means" as recited in claim 8.

Murayoshi describes this step at col. 18, lines 49 et seq.

8. The Appellant's asserted advantages of the claimed inventions over the applied prior art.

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The Appellant asserts advantages of the claimed invention over Murayoshi. The device of Murayoshi operates similarly to the Appellant's invention, and has the same advantages. See, e.g., Murayoshi, col. 2, lines 27 et seq.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jeremy Severson/

Examiner, Art Unit 3653

/Patrick H. Mackey/

Supervisory Patent Examiner, Art Unit 3653

Conferees:

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